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ABSTRACT

Through a review of the literature, analysis of eleven Title IX grievance plans, and interviews with four compliance officers, twelve criteria essential to an effective grievance procedure for use by students were identified and incorporated into a model Title IX grievance procedure for Moraine Valley Community College (Illinois). The twelve essential criteria included: (1) trust and good faith; (2) a basic definition of what is grievable; (3) time limits for filing and for resolving grievances; (4) an informal first stage; (5) grievances submitted in writing; (6) recording of official minutes; (7) procedures made known to all parties in written form; (8) a simple, direct and explicit path of appeals; (9) a grievance committee to review the issue and determine its validity, assist in the preparation of the formal written complaint, assist in presentation and appeal of the case, and advise and/or represent the aggrieved; (10) a hearing committee or review board; (11) a right to be present at all hearings; and (12) an unbiased third party. It was noted that the weakest part of any grievance procedure is the human element and that appropriate attention should be given this factor. Appended are a bibliography and a copy of the model grievance procedure. (JDS)

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A MODEL COMMUNITY COLLEGE GRIEVANCE PROCEDURE FOR TITLE IX

by

Roberta L. Noonan

Moraine Valley Community College

A PRACTICUM PRESENTED TO NOVA UNIVERSITY
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TABLE OF CONTENTS

Page

Chapter

1. INTRODUCTION. 1

PURPOSE. 1

PROBLEM. 3

2. BACKGROUND AND SIGNIFICANCE. 6

REVIEW OF RESEARCH. 6

INSTITUTIONAL AND MODULAR SIGNIFICANCE. 13

3. PROCEDURES. 15

4. RESULTS. 16

5. DISCUSSION, IMPLICATIONS AND RECOMMENDATIONS. 31

BIBLIOGRAPHY. 35

APPENDICES

A. SAMPLE GRIEVANCE PROCEDURE

B. BOARD POLICY MORAINE VALLEY COMMUNITY COLLEGE

ABSTRACT

The Title IX grievance procedures of Moraine Valley Community College were compared with the criteria of a successful grievance procedure so that it could become more responsive to the needs of both the students and the college. A review of the literature, an analysis of eleven grievance plans and interviews with four compliance officers and I.E.A. grievance chairperson, Joanne Kitch, were done. A thorough analysis of this data identified twelve criteria as being necessary components of a successful grievance procedure. The criteria are discussed and then compared with Moraine Valley's grievance plan. Moraine's plan was found to have incorporated all the criteria of a successful plan. This study recommends that grievance procedures be extended into all areas of student life and that additional research be conducted on the one possible weakness of any grievance procedure, the human element.

Chapter One

INTRODUCTION

Purpose

The Title IX grievance procedure of Moraine Valley Community College will be compared with the criteria of a successful grievance procedure to determine how it can become more responsive to the needs of both the students and the college. It is in the best interest of the college to resolve as many grievances at the local level for the following reasons: (1) to keep the grievance a local matter and avoid further federal intervention and control; (2) to restore student morale; (3) to avoid expending large amounts of college administrative man hours and funds to deal with suits brought by students who are dissatisfied with the college's grievance procedure; and (4) to build a reputation for good faith.

Title IX of the Education Amendments Act of 1972 provides that,

> No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. . . .

In 1975 the Department of Health, Education, and Welfare issued regulations (Federal Register, Vol. 40, No. 108) which enumerate the actions necessary to insure compliance

with Title IX.

Instead of being leaders seeking to obtain and maintain equality for students, educational institutions appear to reflect and reinforce the discriminatory practice found in society as a whole (Shulman, 1972). Change seems to occur only when a force is applied from a regulatory agency outside of the college. In this case that agency is the federal government, the instrument Title IX, and the penalty for non-compliance is the withholding of federal funds for federally supported programs.

Enforcement provisions are virtually the same as those of Title VI of the Civil Rights Act of 1964, (Higher Education Guidelines for Executive Order, 11246, HEW), where very specific conditions for compliance, investigatory procedures, and penalties for non-compliance are listed.

The Department of Health, Education and Welfare does not attempt to dictate to institutions any prescribed set of procedures to achieve compliance with Title IX. They identify the actions necessary to insure compliance (Federal Register, Vol. 40, No. 108). They do provide a sample grievance procedure upon request (Appendix A) but ultimately how these actions are to be performed is left up to the institution.

The Moraine Valley Community College Board responded to Title IX by developing a policy against discrimination on the basis of sex in the admission, treatment, or employment of students (Appendix B). The Board then directed the President to formulate procedures to carry out this policy. To

accomplish this, the President appointed a Title IX Coordinator who reports to the Executive Vice-President and a Compliance Officer who reports to the Coordinator.

Problem

One of the directives from HEW to the institutional coordinator for compliance with Title IX is to adopt and publish a grievance procedure for prompt and equitable resolution of student and employee complaints of sex discrimination (Federal Register, Vol. 41, No. 108, Sec. 86.8b).

The Secretary of HEW, Casper Weinberger, said in June of 1975 that he believes that the establishment of grievance procedures by recipients would facilitate compliance and prompt correction of complaints without resort to federal involvement.

Many educators feel that formal provisions should be made in every school system---for that matter every organization public and private---for the handling of grievances (Grieder, Pierce, Jordan, 1965).

For the purposes of this study the following definition of grievance is being used. A grievance involves an alleged violation, misinterpretation, or misapplication of a term or provision of Title IX.

Method and Procedures

The first task in this study was to identify the criteria inherent in a successful grievance procedure. This was done in three stages. First a careful search of the

literature in both the education and business areas. Business and industry have a long history of dealing with grievances. Community Colleges should benefit from their mistakes as well as their successes. With regard to day to day grievances of public employees, Prasow and Peters (1970) state that "it seems reasonably safe to predict that eventually they will be processed in much the same manner as in private industry today."

The second step was to interview the compliance officers at Joliet College, College of Du Page, Prairie State Community College, and Lincoln Way High School. The purposes of the interview were four-fold: 1. to identify what they perceived to be the strengths of their grievance procedure; 2. to identify the criteria they used in formulating their procedures; 3. to identify what they perceived to be problems or weaknesses in their grievance procedures; and 4. to collect any solutions, (innovative or common sense alternatives), that the compliance officer might be formulating to correct the problems or weaknesses in their procedures.

The third step was to interview I.E.A. Grievance Chairperson, Joanne Kitch, who also chairs the Moraine Valley Faculty Grievance Committee, in order to identify a view point other than administrative regarding essential criteria of a successful grievance procedure, the I.E.A.'s perception of the strengths and weaknesses of Moraine Valley's current faculty grievance procedure, and to note any recommendations being formulated to eliminate the weaknesses.

The second task was to analyze the above data for the purpose of establishing a set of criteria that meet the operational needs of institutions and the human needs of the administrative persons as well as the grieved individual.

The third task was to compare Moraine Valley's proposed grievance procedure with the criteria established as a result of this study.

The final task in this study was to use the Jig Saw puzzle approach (Bendiner, 1969), to put together a model grievance procedure for compliance with Title IX that will successfully resolve human differences without the loss of mutual respect, dignity, and good will.

Chapter Two

BACKGROUND AND SIGNIFICANCE

Review of Research

In 1972 Richardson, Blocker, and Bender said that the same due process recommended for faculty members in disputes should be accorded to students. They suggest that institutions develop a clearly defined grievance procedure to prevent individual problems from affecting the morale of the entire institution.

Student rights is a very real issue today and institutions who fail to take the issue seriously by creating grievance procedures that are ineffective are asking for trouble. Students today demand formal channels through which to air their gripes the same as instructors have (Nolte, 1975). An institution that recognizes this prior to a crisis situation can afford to take the time to develop a rational approach to dealing with conflict instead of rushing into a hastily conceived plan. Another possibility even more undesireable is that the courts or the state could be forced as a result of a suit to impose their own concept of a grievance procedure on educational institutions.

Under the Massachusetts, Minnesota and Hawaii Laws, for example, there is a provision stating that if no contractural procedure exists for review of grievances, an em-

ployee may submit a grievance to the state board for adjudication (Staudohar, 1975).

It must be recognized that students have arrived as a new power, a fourth estate which is taking its place beside the traditional estates of the faculty, the administration, and the board (Campbell, Cunningham, Mc Pee, Nystrand, 1971).

The University of Pittsburgh experienced over 100 faculty discrimination suits in the Spring of 1973. A study by Blakely clearly shows that fair and efficient grievance procedures would have saved the institution a great deal of time and money. The study also shows that women anxious for equality filed their complaints under Title VII before the University could even develop an Affirmative Action Plan.

Three points need to be mentioned here. First as long ago as 1969, Grieder was calling for formal grievance procedures for students and little was done until an outside force, Title IX, issued the mandate. Secondly, grievance procedures for faculty members came first. The student, whom the institution was created to serve, came last. And, finally, that female community college students, aware of their options under Title IX, could challenge discriminatory practices at Moraine Valley before the college has time to develop a master plan for compliance. This study and the resultant model grievance procedure would help prepare the college for this eventuality.

If community colleges fail to take student grievances seriously they will resort to the courts and the solutions will be solved by lawyers and politicians who know little about the educational community (Bendiner, 1969). If educators want to stop the erosion of local control over their institutions they must react in good faith to the needs of the population within their jurisdiction.

Casper Weinberger (Final Title IX Regulation) makes it perfectly clear that HEW's Office for Civil Rights means business when he says,

> We intend to approach Title IX enforcement in a constructive spirit. We want to achieve the goals of the Title as soon as possible, rather than undergo a series of futile confrontations and endless law suits. We call upon schools and colleges to do their utmost in the same spirit.
>
> To their great credit, many are already moving in good faith to end sex discrimination. For such schools, Title IX, as we propose to administer it, can only help. For those that are not trying in good faith to end discrimination against women, I have one message: We can wait no longer. Equal education opportunity for women is the law of the land---and it will be enforced (Weinberger, p. 5).

He goes on to identify enforcement procedures that his office will use to resolve problems and/or complaints that are called to their attention.

> The final regulation incorporates by reference a procedural section which includes among other things, compliance reviews, access to information, administrative termination procedures (hearings), decision, administrative and judicial review and post-termination proceedings.

> Should a violation of the statute occur, the Department is obligated to seek voluntary compliance. If attempts to secure voluntary compliance fail, enforcement action may be taken:
>
> (1) by administrative proceedings to terminate Federal financial assistance until the institution ceases its discriminatory conduct; or
>
> (2) by other means authorized by law, including referral of the matter to the Department of Justice with a recommendation for initiation of court proceedings. Under the latter mode of enforcement, the recipient's Federal funds are not jeopardized (p. 6).

This is the kind of action that could be costly in terms of administrative man hours, and student morale and trust (Blakely, 1973). While an effective grievance procedure is no guarantee against a formal appeal to the Office for Civil Rights it would certainly limit the number.

According to Lutz,

> The long-range purposes of establishing grievance procedures are to reduce conflict and increase productivity, the more immediate objectives might include the following:
>
> 1. Open and rapid communication with respect to complaints without prejudice or fear of reprisal.
>
> 2. Reduction of the potential area and number of complaints. (It is interesting to note here that when grievance procedures are instituted, the number of complaints are sometimes reduced. It may be that the mere presence of grievance machinery is reassuring to the staff and this results in fewer petty or imaginary gripes. On the other hand, it may be that established grievarce procedures encourage supervisors to improve administrative techniques. . . .)

3. Two-way communication through official channels to improve understanding of personnel policy and confidence in personnel procedures.

4. Maintenance of morale, teaching effectiveness, and professional responsibility.

5. Continuous appraisal of personnel policies and procedures (1967, p. 77).

While it is obvious that these objectives deal with staff-administration conflict they also represent very worthwhile goals for the student-institution conflict.

Richard Lonsdale, the School of Education Administration and Supervision Head at New York University claims that, "the education profession views grievances as negative phenomena which show up in schools like so many dandelions on a golf course fairway" (1967). Lonsdale suggests that such a view classifies grievances under the ill health or abnormal psychology of organization. Lonsdale goes on to point out that,

> Grievances may be perceived in more useful and constructive ways, as part of the <u>normal</u> psychology of organization. We can draw upon a cybernetic framework and see grievances as constituting a feedback loop in an administration system. In this sense, grievances show us how the system is functioning and provide some of the raw material out of which improvements may be built into the system. Since no complex human system is perfect, grievances permit us to see some of the imperfections in the system, possibly some of the unanticipated consequences of certain policies or procedures. Since a feedback loop is a normal and necessary part of a system, a vital control to govern the functioning of the system, grievances can then be seen as normal, even necessary. Grievances test the effectiveness of the system. They answer the question, 'Are our policies and procedures working the way they should?' Each

> grievance thus has two dimensions, the particular and the universal. The particular dimension requires that the problem or complaint be settled for the benefit of the aggrieved individual or group and organization. The universal dimension requires that the organizational significance of the problem or complaint be examined and that suitable changes be effected in the system to rectify any malfunctioning (p. 1).

In Grievances and Their Resolution Frank Lutz (1967) offers the following guidelines for developing a model grievance procedure that contains all the essential requirements for the resolution of conflict.

1. Every effort should be made to have problems resolved informally by the immediate superior. A direct conference between the parties to the dispute is always better than a hearing. In any case, the first attempt at resolution should be at the administrative level closest to the source of the problem.

2. The path of appeal should be well established and move to successively higher levels of authority, terminating in final arbitration of the dispute by an impartial third party. The settlement should be made at the earliest stage and time possible.

3. Every staff member should be aware of all grievance channels and opportunities for presentation and appeal. Procedures should be distributed to all in written form. Initiation of a grievance action should be simple and direct.

4. There should be definitive time limits for each step of the plan, both for presentations of complaints and for responses. Formal complaints, responses, and decisions should be in writing.

5. There should be a grievance committee selected by the staff which consults with, counsels, and assists aggrieved members. This group should help with the preparation, presentation, and appeal of the case. In most instances, the committee (or a delegated member) might represent the complainant at hearings.

6. There should be maintained a complete record of each case and a file of decisions at each level to serve as precedents. Open access to all recoreds concerned with the case should be assured. Case records should be kept in a file separate from the personal files of those involved in a grievance dispute.

7. The grievant should have the right to be present at all hearings, to be represented by counsel, to present evidence, to examine and rebut evidence, and to confront and cross-examine witnesses (p. 75).

We have little to guide us in the educational field but industry has many years of experience in dealing with grievance procedures. We can benefit from their successful practices as well as their mistakes.

It makes sense to emulate, at least partially, procedures that have proven successful through years of practice (Staudohar, 1975). For example, General Electric, Xerox, and Boering Vertal Co., are currently singing the praises of the Ombudsman (Business Week, May, 1976). Large Universities also use this technique. A closer look at this position and its relationship to an overall grievance plan seems imperative if the community college is to avoid numerous false starts on the way to meeting student needs.

On the other side of the coin we have an opportunity to benefit from the Coal Industry administrators who in the midst of a bitter strike discovered too late that poorly administered grievance procedures can be very serious (Business Week, August, 1976).

Another point raised again and again by industry is that promptness is one of the most important aspects of a grievance settlement. Failure to settle grievances with dispatch is sure to lead to adverse employee reaction (Furness, 1975).

A review of the literature in business, industry, and education has presented us with some major criteria so far for a model grievance procedure: (1) promptness; (2) efficiency; (3) an impartial conciliator who will work in the best interest of both parties; and (4) a procedure that exudes good faith.

Institutional and Modular Significance

Actually there are meager provisions for handling student grievances of any kind in community colleges. Formal provision should be made (Grieder, 1969) for the handling of student grievances. For students of governance this is a fertile area.

The investigation of student grievance procedures is not only appropriate to the governance module but it is also urgent in view of the time limits (January 1, 1977) for compliance with Title IX. In addition, the compliance officer

anticipates using the study to support or improve the grievance procedures being developed for Title IX.

As support for this investigation's relevance to Moraine Valley Community College are the statements by the Title IX Coordinator, Dr. Glen Gabert, and the Compliance Officer, Dr. Philip Theodorou, included in Appendices C and D. A copy of the policy statement by the Board of Education regarding sex discrimination is Appendix B.

Chapter Three

PROCEDURE

The first step in this study was to identify the criteria inherent in a successful grievance procedure. This was done in three stages. First, a careful review of the literature in both the education and business areas.

The second stage was to interview the compliance officers at Joliet College, College of Du Page, Prairie State Community College, and Lincoln Way High School.

The third stage was to interview I.E.A. Grievance Chairperson, Joanne Kitch, in order to identify a viewpoint other than administrative regarding essential criteria of a successful grievance procedure, the I.E.A.'s perception of the strengths and weaknesses of Moraine Valley's current faculty grievance procedure, and to note any recommendations being formulated to eliminate the weaknesses.

The second step was to analyze the above data for the purpose of establishing a set of criteria that meets the operational needs of institutions and the human needs of the administrative persons as well as the grieved individual.

The third step was to compare Moraine Valley's proposed grievance procedure with the criteria established by the study.

The final step was to put together a model grievance procedure for compliance with Title IX.

Chapter Four

RESULTS

The first task, a careful review of the literature in business and education, identified the following twelve criteria as being essential to a successful grievance procedure.

1. Trust and good faith (the human element)

According to Ronald Satryb (1975) the absence of final step appeals is a partial indication of "good faith" on the part of both parties.

2. A basic definition of what is grievable

Title IX is very explicit in this regard but if institutions wish to extend grievance procedures to other areas of student life then new definitions should be added. This move on the part of the institution made without outside pressure would demonstrate a genuine respect for student rights and it would build trust in the belief that the college's mission is to serve the students.

Glassman's findings (1975) strongly support the contention that interpersonal trust is vital to conflict resolution. If this is true on a person to person level might it not be true when a person attempts to deal with an institution?

Satryb claims that many would be grievances are resolved at this point because they do not meet the limits established by the definition.

This should be approached with caution, however, since a student grievance of any sort represents an individual in conflict. If the college wishes to build a reputation of trust and good faith then compromise and flexibility become the guiding factor. A student in conflict is a student whose needs are not being met. If it is possible to meet these needs without jepoardy to the integrity of the institution and its goals then it should be done.

According to Jennings (1974) you can't have successful relations without giving and taking on both sides.

Donald Brodie (1974) states that, "It must be remembered that resolving a grievance is a bargaining process, and good faith bargaining presupposes flexibility from the participant."

Brodie also states that, "grievance bargaining is likely to involve compromise" (p. 356).

3. Time limits

A. For filing grievances

The same caution for compromise and flexibility apply here. Many authors feel that time limits for filing a grievance are imperative because facts become obliterated, memories fade and in some instances some of the people involved are gone. Any one of the above reasons could make a solution to a problem difficult and less than fair to the parties involved.

In any event time limits may not be strictly enforced under certain circumstances, such as where the existence of

the grievance wasn't known until some time after the event occurred or the act complained of is repeated from day to day.

B. For processing grievances

Promptness is one of the most important aspects of a grievance settlement. Failure to settle grievances with dispatch is sure to lead to adverse employee reaction. (Grievance Guide).

Once a grievance procedure has been filed college officials must respond within a specified period of time or the grievant is free to move to the next step in the grievance procedure (Mannix, 1973).

Mannix also cautions against vague, misleading or extremely short time limits as they may be counter productive.

Reasonable time extensions should be granted between parties involved in good faith conflict resolution if the requestor has a good and just reason.

In the final analysis, prompt settlement of grievances probably depends more upon the attitude of the parties than upon the terms of the contract grievance procedure.

4. The first step in the grievance may be informal at the level closest to the source.

If the parties can resolve their differences informally, their overall relationship will be advanced (Brodie, 1974).

A grievance procedure comparable to many found in the private sector recognizes the need to resolve grievances at the lowest possible level (Glassman, 1975).

5. In writing

Writing tends to discourage frivolous complaints and preserves evidence. Some contracts specifically provide that grievances alleging discrimination must be in writing. For example, in 1971 B. F. Goodrich and General Motors both required that the grievance be in writing and supported by written evidence (Brodie, June, 1974).

6. Official minutes kept for every grievance

It is of the utmost importance that a complete file be kept of every grievance. Such a file should include all correspondence dealing with the grievance and all official minutes. The minutes should be jointly approved (Kagel, 1969).

7. Grievance procedures should be made known to everyone in written form.

A recipient shall adapt and publish grievance procedures providing for prompt and equitable resolution of student and employee complaints alleging any action which would be prohibited (Federal Register, Vol. 40, No. 108, Sec. 86.6b).

8. The path of appeal should be simple, direct and very explicit.

Richardson, Blocker and Bender (1972) state that institutions must develop a clearly defined grievance procedure to prevent problems from affecting the morale of the entire instiution.

9. A grievance committee established to:

A. review the issue to determine its validity

B. assist in the preparation of the formal, written complaint if the grievance is not resolved at the informal stage

C. assist in the presentation and appeal of the case

D. advise and/or represent the aggrieved individual.

There should be a grievance committee selected by the staff (students) which consults with, counsels, and assists aggrieved members. This group should help with the preparation, presentation, and appeal of the case. In most instances, the committee (or a delegated member) might represent the complaintant at hearings (Lutz, Frank, 1967).

10. A Hearing Committee or Review Board

The committee or panel is selected by the grievant and the administration from a predetermined list of eligible persons. Usually, one person is selected for the panel by the administration, one by the grievant, and the two select a third to act as chairman. The panel holds hearings, gathers additional data where they are incomplete, or the facts are in dispute, and issues a report. The report includes findings of fact, the conclusions of the panel, and its advisory recommendations to the president (Lutz, 1967).

11. The grievant has a right to be present at all hearings.

"The grievant should have the right to be present at all hearings. . . ."(Lutz, 1967).

12. An unbiased third party

"An ombudsmen---third parties to whom employees can take their grievances (Business Week, May, 1976).

The first ombudsman was appointed at General Electric

in 1973, to give employees "an objective review of their complaints and appeals by a competent third party (Business Week, May, 1976).

According to Greider, Pierce, and Jordan, "Only a small percent of the cases filed with ombudsmen result in legal action. Their work is carried on chiefly by persuasion." They define an ombudsman as "a person of impeccable reputation and highest integrity" (1965, p. 313).

The second step involved interviews with the compliance officer at Joliet Junior College, Prairie State Community College and Lincoln Way High School and the College of Du Page.

Robert Glenn, compliance officer for Joliet Junior College is still in the process of formulating grievance procedures for Title IX.

According to Glenn the grievance procedures established at the college for the clerical staff and the faculty association are doing a good job of resolving problems. The strength of the Joliet procedures is the fact that staff members now have an opportunity to be heard. The only weakness identified is the human element. The individual administrator hearing the grievance can affect the attitudes of the participants to a great degree, Glenn feels.

Prairie State College has established a Monitoring Committee composed of the following:

1. Three members from the faculty senate.
2. Three members from the support staff.

3. Three members appointed by the President.

The task of the Monitoring Committee is to aid the Dierector of Personnel in following the guidelines of Federal Executive Orders No. 11246, No. 11375 and Title IX regarding employment. There appears to be no such committee or grievance procedure for student programs. There is a strong declaration of intent to eliminate discrimination in student programs however.

Lincoln Way High School Compliance Officer Lee F. Rosenquist will hear all incidents of reported discrimination and will investigate and render a decision. The aggrieved may appeal that decision to the district's superintendent and then to the Lincoln-Way Board of Education. Rosenquist has not had a complaint as yet and is unable to identify strengths and weaknesses in the procedure as a result. Criteria used to formulate the procedure were taken from the sample grievance procedure for Title IX Sec. 86.8 (Appendix A) provided by the Chicago Office for Civil Rights.

The College of Du Page has a formal grievance procedure for classified personnel, faculty, and students. The student grievance procedure is currently published in the student handbook where it receives wide distribution. The strength of the above procedures, according to John Blatnik, Du Page's Title IX Compliance Officer, is the right to appeal to a higher authority without fear of reprisal. Criteria used in formulating the procedures were drawn from two sources, the

Industrial model and the Collegial Input process. The only weakness in the procedure stems from the human element; that is individuals who do not enter into the process in good faith or who view a grievance as a negative process.

Richard Petrizzo, Vice President, Operations College of Du Page suggested the following four criteria for a model grievance procedure.

A. They should be very explicit;

B. They should require that the appellant employee have his grievance in writing;

C. That strict limits be included;

D. Insure that the grievance is within the purview of the grievance committee to deal with.

Joanne Kitch, I.E.A. Grievance Chairperson and Chairperson of the Moraine Valley Faculty Grievance Committee identifies an unbiased third party as the critical component in any successful grievance procedure. Kitch feels that Moraine's faculty grievance procedure includes all the criteria necessary for success. The only weakness is the human element.

Moraine Valley's Coordinator for Title IX, Glen Gabert, incorporated Title IX into the Moraine Affirmative Action Grievance Procedures to deal with Title IX complaints regarding employment. The Compliance Officer and Dean of Student Development, Philip Theodorou, has designed a temporary complaint procedure to deal with complaints pertaining to programs within the college. Theodorou plans to monitor the process closely for the next twelve months in order to evaluate

its effectiveness. This study and any insights gained pertaining to grievance procedures in general and Moraine Valley's in particular will be shared with him.

The third step was to see how the temporary grievance plan adopted by Moraine Valley Community College compares with the twelve criteria for a successful grievance.

The results of this comparison are as follows:

Criteria	
1. trust and good faith	Trust and good faith emanate from the quality of the plan itself; the willingness to evaluate it and adjust if necessary, and the attitude of the compliance officer toward sincerely seeking to eliminate discrimination.
2. a basic definition of what is grievable	Criteria No. 2 is met in the introductory paragraph which states: Title IX of the Education Amendments of 1972 was enacted to eliminate discrimination on the basis of sex in any educational program or activity. In order to comply with the implementing regulations of Title IX, Moraine Valley Community College has adopted this complairt procedure effective immediately. It is available to any student who feels discriminated against on the basis of their sex in any educational program or activity, including student employment.

3. time limits

A. for filing

Criteria No. 3 is met as follows:

Step 1: The person alleging discrimination based on sex must first meet with the Dean for Student Development, within ten calendar days following the alleged discriminatory act or occurence, for the purpose of defining the alleged discrimination and identifying the educational program or activity involved.

B. for resolving grievances

Criteria No. 3 B is met at Step 3 as follows:

The proceedings should be completed within ninety calendar days, when possible.

4. informal first stage

The first step of the procedure represents the informal stage and is conducted by an unbiased third party. In this case the Dean for Student Development.

The Dean for Student Development will investigate the written claims of discrimination based on sex.

5. in writing

The second part of Step 1 requests the grievance in writing.

If the person alleging discrimination wants to initiate the complaint procedure subsequent to this meeting with the Dean for Student Development, the exact nature of the complaint and remedy requested must be reduced to writing on a form supplied by the Dean for Student Development.

6. official minutes	It is implied throughout the grievance plan but not specifically stated. At each stage the directive to reduce the proceedings to writing is given but not in the form of official minutes. This leaves the matter open to subjective interpretations.
7. procedures made known to everyone in written form	The temporary grievance procedures were published in the student newspaper "The Glacier" and the college publication "Moraine Valley Peaks."
8. simple, direct and explicit path of appeals	The three step procedure is very simple, direct and explicit.
9. a grievance committee to:	
A. review the issue and determine its validity	The Dean for Student Affairs performs the four functions of a grievance committee. In step one he reviews the issue and determines its validity and supplies the form for the written formal complaint. In step two he assists in the presentation and appeal as well as advise the aggrieved.
B. assist in the preparation of the formal written complaint	
C. assist in the presentation and appeal the case	
D. advise and/or represent the aggrieved	
10. a Hearing Committee or Review Board	Step 3: If the complaint is denied at Step 2, the complainant can request the Dean for Student Development to refer the complaint to the Reveiw Board.

	Such request must be submitted within one week of the decision at Step 2. The Review Board shall consist of three staff members, at least one will represent the alleged discriminatory program or activity, and two students, and they shall be appointed by the Dean for Student Development. The Review Board shall conduct such proceedings as are necessary to make a written recommendation to the President for his review and decision. These proceedings shall be limited to the issues raised in the written complaint.
11. right to be present at all hearings	The right to be present at step one and two is very explicit. Step three is open to interpretation.
12. an unbiased third party	The Dean for Student Development represents an unbiased third party at step one and two. The Hearing Committee represents an unbiased third party at step three.

The final task of this study was to put together a model grievance procedure for complaince with Title IX that will successfully resolve human differences without the loss of mutual respect, dignity, and good will.

The following represents the model:

Title IX of the Education Amendments of 1972 was enacted to eliminate discrimination on the basis of sex in any educational program or activity.

In order to comply with the implementing regulations of Title IX, this College has adopted this complaint procedure effective immediately.

It is available to any student who feels discriminated against on the basis of their sex in any educational program or activity, including student employment.

Step 1: The person alleging discrimination based on sex must first meet with the Dean for Student Development, or some other unbiased third party, within ten calendar days following the alleged discriminatory act or occurence, for the purpose of defining the alleged discrimination and identifying the educational program or activity involved.

If the person alleging discrimination wants to initiate the complaint procedure subsequent to this meeting with the Dean for Student Development, the exact nature of the complaint and remedy requested must be reduced to writing on a form supplied by the Dean for Student Development.

The Dean for Student Development will investigate the written claims of discrimination based on sex.

If the person alleging discrimination fails to meet with the Dean for Student Development within ten days following the alleged discriminatory act or occurrence, no formal complaint can be initiated.

The Dean for Student Development will assist the grievant in the preparation of the formal complaint and assist and advise the grievant in the presentation of the grievance if requested to do so by the aggrieved.

Step 2: If the Dean for Student Development finds a reasonable cause to believe that the written claim of discrimination may have merit, the Dean or a person designated by the Dean will arrange a meeting between the complainant, an

Administrative representative of the alleged discriminatory program or activity, and the Dean for Student Development or a person designated by the Dean.

Conciliation at Step 2 shall be limited to those issues raised in the written complaint.

A grievance file will be kept in the Dean of Student Affairs office. The file will contain the formal complaint, official minutes of each meeting, the proceedings of the Review Board if the complaint reaches Step 3 and the President's decision.

If the representative of the alleged discriminatory program or activity finds that the complaint has merit, that representative shall implement whatever changes are necessary to remedy the alleged discriminatory practice or occurrence. Should that representative be unable to unilaterally implement such changes, these recommendations should be reduced to writing and sent to the person with the authority to implement the changes.

Step 3: If the complaint is denied at Step 2, the complainant can request the Dean for Student Development to refer the complaint to the Review Board.

Such request must be submitted within one week of the decision at Step 2.

The Review Board shall consist of three staff members, at least one will represent the alleged discriminatory program or activity and two students, and they shall be appointed by the Dean for Student Development.

The Review Board shall conduct such proceedings as are necessary to make a written recommendation to the President for his review and decision.

These proceedings shall be limited to the issues raised in the written complaint.

The complaintant may attend the hearing or hearings upon request.

The proceedings will be completed within ninety calendar days.

Step 4: Failing a resolution at Step 3 the complaintant may file a complaint with the circuit court. (Sample Grievance Procedure for Title IX, Appendix A).

There shall be no reprisal against any student or employee for filing a grievance or for utilizing the grievance procedure. Students who are aware of discrimination are encouraged to assist the college in eliminating discrimination by calling it to the college's attention.

Chapter Five

DISCUSSION, IMPLICATIONS AND RECOMMENDATIONS

The twelve criteria for a successful grievance procedure identified by reviewing the literature and grievance procedures from business, industry and education represents a good beginning. The procedures identified protect both parties; they are efficient and in general represent a good faith attempt to resolve differences.

When Moraine Valley's temporary grievance procedure was compared with the twelve criteria identified by the study as necessary for a successful grievance procedure, Moraine's plan was found to include all but one of the criteria identified.

The model grievance procedure was prepared by using the Moraine document as a base and adding the following:

1. A clause requiring complete case records and official minutes.

2. A statement to clarify the right of the grievant to be present at the step 3 hearing.

3. A statement offering the grievant the support, assistance, and advice of the Dean of Student Affairs.

4. A statement encouraging students to view the procedures as a positive endeavor and not a negative one.

5. A fourth step making the student aware of his

legal right to go outside the institution for a hearing if a solution is not found at step 3.

The addition of 1, 2, 3, and 4 is simply a clarification of intent. Item 5 represents a new addition that sould exemplify good faith on the part of an institution.

But are suitable procedures on paper enough? What about the human element that John Blatnik, Compliance Officer at Du Page and Robert Glenn, Compliance Officer at Joliet Junior College, identified? Both administrators felt that the only weakness in their grievance procedure was the human element.

Richard Lonsdale feels that one weakness represented by the human element is the administrators' view that grievances are a negative phenomena.

Future research is needed to identify ways and means of changing attitudes toward grievances so that Educational personnel can view them as normal and expected aspects in the functioning of well-designed institutions. Administrators are frequently put on the defensive by grievances viewing them as criticism of policies and procedures. Is it possible to view grievances in a non-threatening positive manner? Are there other personality traits that enable some individuals to resolve grievances better than others?

Julius Draznin (1974) dealt with this problem to some degree at the Long Beach Naval Shipyard when he instituted a Management-Labor Class in Grievance/Arbitration. "Walk a Mile in My Shoes," is the way the Federal Times, a leading

Federal employees newspaper, described the course which brought new insights and understanding between management and labor.

Since changing behavior through education is one of a college community's main objectives it almost sounds like a repetition of the cliche, "physician heal thyself," to suggest courses in say, "Developing Positive Attitudes Toward the Resolution of Conflict" or "Grievance Procedures: How They Help Colleges to Help Themselves."

If education isn't the answer then more legislation and outside resolutions are inevitable unless some means of identifying the human qualities that make successful grievance plans in theory succeed in practice. These questions dealing with the "human element" should remain a fertile field for research in governance for some time to come.

The first recommendation is to incorporate into Moraine Valley's grievance plan the additional five points suggested for the model grievance procedure. The first four points are minor and generally only clarify or specify what the procedures imply. The fifth one is actually a suggested step in the sample procedure distributed by HEW, (Appendix A), but noticeably missing from every grievance procedure evaluated in this study. That deletion is suspect in a good faith agreement, particularly in this case. If institutions are sincere in their wish to comply with Title IX then few, if any, grievances would ever go outside the institution. In any event failure to inform students of their right to appeal beyond the President's decision appears to be part of the old

deception trick or what you don't know can't hurt me. If a sincere committment to compliance has been made and a positive attitude toward grievances adopted then it's safe to be open and honest in dealing with one another. Adding step four is a step in that direction.

A second recommendation is to expand the student grievance procedures for Title IX to include all areas of student life. If educational institutions believe that the student is a full partner in the educational process then they must take the initiative and provide a process for dealing with grievances before they are forced to once again by an outside agency.

BIBLIOGRAPHY

Affirmative Action Program, Moraine Valley Community College, Palos Hills, Illinois, May 27, 1975.

Affirmative Action Program, Prairie State College, Chicago Heights, Illinois, June 30, 1976.

Bendiner, Robert. A Crisis in Self Government. New York, Harper & Row, 1969.

Blakely, Edward J. "Equal Employment Opportunity on Campus: A Case Study of the University of Pittsburgh," National Association of College and University Business Officers: Studies in Management, Washington, D.C., December, 1973.

Brodie, Donald W. "Antidiscrimination Clauses and Grievance Processes," Labor Law Journal, June, 1974.

Campbell, Roald F.; Cunningham, Luvern L.; Mc Phee, Roderick; and Nystrand, Raphael. The Organization and Control of American Schools. Columbus, Ohio: Charles E. Merrell, 1971.

Classified Administrative Board of Appeals, College of Du Page, Glenn Ellyn, Illinois, August 11, 1976.

Draznin, Julius. "A New Approach to Grievance Handling in the Federal Sector," Personnel Journal, November, 1974.

Faculty Administrative Review Board, College of Du Page, Glenn Ellyn, Illinois.

Faculty Association Contract, Moraine Valley Community College, Palos Hills, Illinois.

Final Title IX Regulation Implementing Education Amendments of 1972 Prohibiting Sex Discrimination in Education. Department of Health, Education, and Welfare, Office of Civil Rights, Washington, D.C., 1975.

Formal Grievance Procedure, Joliet Junior College Council of the Will County Federation of Teachers, Joliet, Illinois, 1975-1977.

Furniss, Todd W., "Grievance Procedures," Office of Academic Affairs, American Council of Education, Washington, D.C., 1975.

Glassman, Alan; Belasco, J. A. "The Chapter Chairman and School Grievances," Industrial Relations, Vol. 14, No. 2, May, 1975.

Grieder, Calvin; Pierce, Truman; and Forbes, Jordan K. Public School Administration. New York, N.Y.: Ronald Press, 1965.

Guidelines On Academic Integrity, Student and Faculty Obligations and Hearing Procedures, University of Pittsburgh, September 1, 1976.

Hoerr, John. "Why Coal Can't Tame the Wildcats," Business Week, August 16, 1976.

Jennings, Ken. "Foremen's Views of Their Involvement With the Union Steward in the Grievance Process," Labor Law Journal, September 1974.

Kagel, Sam. "Anatomy of a Labor Arbitration," Bureau of National Affairs, Washington, D.C., 1969.

Lutz, Frank W. Grievances and Their Resolution: Problems In School Personnel Administration. Danville: Interstate Printers and Publishers, Inc., 1967.

Mannix, Thomas. Community College Grievance Procedures: A Review of Contract Content In Ninety-Four Colleges, 1973.

Nolte, Chester M. "Why you need a student grievance plan and how you can have a reasonable one," The American School Board Journal, Evanston, Illinois, Vol. 162, No. 8, August, 1975.

Nondiscrimination On Basis of Sex, Washington, D.C.: Federal Register, Vol. 40, No. 108, June, 1975.

Pottinger, J. Stanley. "Statement on Guidelines for Application of Executive Order 11246 to Higher Education Institutions Receiving Federal Funds," Office for Civil Rights (DHEW), Washington, D.C., October, 1972.

Prasow, Paul and Peters, Edward. Arbitration and Collective Bargaining, Conflict Resolution in Labor Relations. McGraw-Hill Company, 1970, p. 246.

Procedure For Resolving Complaints of Sex Discrimination Under Title IX, Moraine Valley Community College, Palos Hills, Illinois, 1976.

Richardson, Richard C.; Blocker, Clyde E.; and Bender, Louis W. Governance for the Two Year College, Englewood Cliffs, N.J., Prentice Hall Inc., 1972.

Satryb, Ronald. "Evolution of the S.U.N.Y. Grievance Procedures From the First Contract to the Second," Academic Collective Bargaining Systems, New York, 1975.

Shulman, Carol Herrnstadt. Affirmative Action: Women's Rights on Campus. Washington, D.C., Eric Clearinghouse on Higher Education, 1972.

Smith, Ralph. "Using Programmed Instruction In Federal Labor Relations," Public Personnel Management, May-June, 1976.

Staudohar, Paul D. "Individual and Collective Rights in Public Employment Appeals Procedures," Labor Law Journal, July, 1975.

Student Code of Conduct and Judicial Procedures, University of Pittsburgh, September, 1976.

Students Guidebook, College of Du Page, Glenn Ellyn, Illinois, 1976-1977.

Tinsley, Adrian and Ruben, Elaine. "Sex Discrimination, and the Law: An Action Handbook," Modern Language Association of America, New York, N.Y., January, 1973.

"Where Ombudsmen Work Out," Business Week, May, 1976.

Zweiback, Richard. "Better Bargaining," Nations Schools, May, 1973.

DRAFT: SAMPLE GRIEVANCE PROCEDURE
TITLE IX SEC. 86.8

This is a sample only. Specific procedures should be refined in terms of local needs.

1. A student or an employee shall present his complaint in writing to the grievance officer.

2. The grievance officer shall investigate the complaint within five working days and arrange for a hearing.

3. Within five working days a hearing shall be held before a hearing officer - (disinterested third party.)

4. The hearing officer shall render his opinion to the grievance officer and the student or employee within five working days from the time of the hearing.

5. Failing a resolution at Stage 1, the student or employee may present a statement of his grievance to the superintendent who shall determine the matter or:

   a statement to the board of education who shall determine the matter; or

   a statement to an impartial arbitrator who shall determine the matter.

6. Failing a resolution at state the grievant may file a complaint with the circuit court.

   There shall be no reprisal against any student or employee for filing a grievance or for utilizing the grievance procedure. For the purpose of maintaining confidentiality, grievances will not be filed in a student's file or an employee's personnel file. The grievance file will be kept in the office of the grievance officer. The grievant has the same access to this file as he does to his own personnel file.

7. Employees covered by an agreement containing a grievance procedure may elect to use that procedure if applicable.

APPENDIX A

MORAINE VALLEY COMMUNITY COLLEGE

POLICY AGAINST SEX DISCRIMINATION

NO PERSON IN THE UNITED STATES SHALL, ON THE BASIS OF SEX, BE EXCLUDED FROM PARTICIPATION IN, BE DENIED THE BENEFITS OF, OR BE SUBJECTED TO DISCRIMINATION UNDER ANY EDUCATIONAL PROGRAM OR ACTIVITY RECEIVING FEDERAL FINANCIAL ASSISTANCE. . .

---From Title IX, Education Amendments of 1972

Title IX of the Education Amendments of 1972 prohibits Moraine Valley Community College from discriminating on the basis of sex in any educational program or activity it operates.

Moraine Valley Community College does not discriminate on the basis of sex in admissions, employment, or in the operation of any educational program or activity.

Any inquiries concerning the College's obligation under Title IX should be directed to the College Title IX Compliance Officer:

Moraine Valley Community College Title IX

Compliance Officer
Philip Theodorou

900 Building

974-4300, ext. 227-228

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APPENDIX B